

**INDEX OF A REGULAR MEETING
FORT LAUDERDALE CITY COMMISSION
FEBRUARY 5, 2002**

<u>Agenda Item</u>	<u>Reso./Ord. No.</u>	<u>Page(s)</u>
OB	Presentations:	
	1. Expressions of Sympathy	1
	2. Olympic Torch Relay Celebration Committee	2
	3. Colorectal Cancer Awareness Month	2
	4. Smoke Detector	2
	5. Outstanding City Employees	2
CA	Consent Agenda	3
M-1	Event Agreement – Spring Carnival	3
M-2	Event Agreement – Las Olas Art Fair	3 & 10
M-3	Event Agreement – Agape Fest	3
M-4	Event Agreement – Home and Garden Tour	4
M-5	Event Agreement – St. Paddy's Day Celebration	4
M-6	Event Agreement – Christ Church United Methodist ("Celebrate Jesus" Event)	4
M-7	Transfer of General Fund Contingencies and Creation of Three Permanent Positions and Transfer of a Position – Department of Professional Standards, Personnel Division and Purchasing Division	5
M-8	Rescind Authorization to Negotiate Development Agreement with Milton Jones Development Corporation (MJDC) – Development of City-Owned Commercial Property – Sistrunk Boulevard and Northwest 7 th Avenue	5 & 11
M-9	Nonprofit Acquisition and Improvement Loan (NAIL) – Northwest Boys and Girls Club, Nan Knox Unit – 832 Northwest 2 nd Street	5 & 12
M-10	Agreement – BankAtlantic – Direct Cash/Job Growth Incentive	5 & 12
M-11	Transfer of General Fund Contingencies – Partial Reimbursement to Marine Industries Association of South Florida (MIASF) for Marine Industry Master Plan	6
M-12	Deleted	
M-13	Application for Water Taxi License – Royal Boat Co., Inc.	6
	Loan of Fire Bunker Gear Equipment for Potential Job Applicants Participating in the Broward Fire Academy Program	6
M-14	Transfer of Law Enforcement Trust Funds (LETf) – Broward County Commission on Substance Abuse (BCCOSA) – Byrne Memorial Anti-Substance Abuse Grant	6
M-15	Grant Acceptance – U. S. Department of Treasury, Bureau of Alcohol, Tobacco and Firearms – Gang Resistance Education and Training (GREAT)	7
M-16	Lease Agreement – Bank of America, N. A. – Automatic Teller Machine (ATM) at City Park Mall	7
M-17	American Water Works Association (AWWA) Research Foundation Subscription	7 & 14
M-18	Contract Award – AKA Services, Inc. – Project 10231 – Utility Improvements at Coconut Isle Drive	7

Index of a Regular Meeting
February 5, 2002
Page Two

<u>Agenda Item</u>	<u>Reso./Ord. No.</u>		<u>Page(s)</u>
M-19		Installation of Speed Humps – S.W. 20 th Street (from S.W. 9 th Avenue to S.W. 15 th Avenue) – River Oaks Neighborhood	7 & 15
M-20		Amendment to Agreement – USA Services Group, Inc. (USASG) – Employee Health Benefits	8 & 15
M-21		Lien Settlements for Special Master and Code Enforcement Board Cases	18
M-22		Settlement of Workers Compensation File No. WC 98-9730 (David Krips)	19
M-23		Settlement of General Liability File Nos. GL 95-831 (Allied Decals) and GL 95-1008 (S & L Realty)	19
Pur. 1		Bid 422-8621 – Streetlight Fixtures	8
Pur. 2		Florida Sheriffs – Two, 12-Passenger Vans	8
Pur. 3		Proprietary – Sludge Mixer Gearbox with Motor	9
Pur. 4		Proprietary – Advertising for the 2001 Blues Festival	9
Pur. 5		State – Recycled Plastic Trashcan Liners	9
Pur. 6		Bid 722-8585 – Mobile Recycling Carts	10
PH-1	C-02-3	Cable Services Franchise Cancellation – RCN Telecom Services, Inc.	20
O-1	C-02-2	Amend Section 2-26 – Change Time of City Commission Conference Meetings	20
R-1	02-14	Executive Airport – Agreement with Citicorp – Lease for Airport Administrative Office	20
R-2	02-15	Building Board-Up and Securing Charges	21
R-3	02-16	Lot Clearing and Cleaning Charges	21
R-4	02-17	Parks and Recreation Recovery Action Plan – National Parks Service – Urban Park and Recreation Recovery Program for 2002	22
R-5	02-18	Group City Emergency Medical Services (EMS) Coalition of the Broward County Task Force	22
R-6	02-19	Request for Letters of Interest (RLI No. 071701-RB) – Himmarshee Place at Riverwalk (Broward Cultural Center/Art Park Grant)	23
R-7	02-20	Emergency Task Order – Recreational Design and Construction, Inc. (RDC) – Project 10439 – Refuse Truck Maintenance Facility Roof Repair	24
R-8	02-21	Reschedule February 19, 2002 City Commission Conference and Regular Meetings to February 26, 2002	24
OB	02-22	Advisory Board Appointments	25
OB		Subordination of McKinley EZ Loan	26

**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
February 5, 2002**

Meeting was called to order at 6:24 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Tim Smith
Commissioner Carlton B. Moore (6:35)
Commissioner Cindi Hutchinson
Commissioner Gloria Katz
Mayor Jim Naugle

Absent: None

Also Present:	City Manager	F. T. Johnson
	City Attorney	Dennis E. Lyles
	City Clerk	Lucy Masliah
	Sergeant At Arms	Sergeant Martin

Invocation was offered by *Father Michael "Happy" Hoyer*, Our Lady Queen of Martyrs Church.

Pledge of Allegiance to the Flag.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith that the agenda and minutes of the meeting as shown below be approved:

Regular Meeting January 23, 2002

Roll call showed: YEAS: Commissioners Katz, Smith, Hutchinson and Mayor Naugle. NAYS: none.

Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

At 6:35 P.M., Commissioner Moore arrived at the meeting.

Presentations (OB)

1. Expressions of Sympathy

Mayor Naugle presented Expressions of Sympathy, on behalf of the City Commission, to the families of *Jerry Palmer*, *Joe Gillis* and *Jessie Harmon*.

2. Olympic Torch Relay Celebration Committee

Commissioner Katz presented certificates of appreciation to the members of the Olympic Torch Relay Celebration Committee that had worked so hard to make the Olympic Relay and Celebration of December 8, 2001 such a great success. She noted that the opening ceremony for the 2002 Winter Olympics in Salt Lake City, Utah, was only 3 days away, and the City was honored that Fort Lauderdale had been enlisted to assist with the historic journey of the Olympic Flame through the United States. Commissioner Katz recognized each of the Committee members and introduced the Torch Bearer, *Mr. Tom Tapp*. He stated that this was a tremendous honor for him, and he felt the community had done a terrific job.

Ms. Leslie Backus, of the Public Information Office, also recognized *Alison Hibert*, who had helped guide this entire celebration and this recognition of the Committee members. She felt Ms. Hibbard had showed the spirit of a true Olympian.

3. Colorectal Cancer Awareness Month

Commissioner Smith read aloud and presented a proclamation declaring March, 2002 as "Colorectal Cancer Awareness Month" in the City of Fort Lauderdale. *Dr. Charles Lago*, Task Force Chairman, accepted the proclamation on behalf of the American Cancer Society's Broward Unit. Dr. Lago reported that Colorectal Cancer was a preventable disease and, if caught early through screening, 90% could be cured.

4. Smoke Detector

Commissioner Moore demonstrated the proper method of testing the batteries in a smoke detector and encouraged everyone at home to do the same.

5. Outstanding City Employees

The following individuals were recognized as Outstanding City Employees:

- Gustavo Pujals, John Geromanos and Rick Mitchell, of the Administrative Services Department
- Ernest Fuller and Eugene Foreman, of the Public Services Department;
- Florence Singer, of the Community and Economic Development Department;
- Terry Bodford and Ann Kingslien, of the Parks and Recreation Department;
- Officer Kenneth Kelley, Thomas Gerlach, and Officer James Jagers, of the Police Department;
- Firefighter/Paramedic Steve Woods, of the Fire-Rescue Department; and
- Alison Hibert, of the Public Information Office, City Manager's Office.

Mayor Naugle announced that the Spring Carnival at Our Lady Queen of Martyrs Church was scheduled for March 7, 2002, and the Sailboat Bend Home and Garden Tour would be held on February 24, 2002.

Consent Agenda (CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Event Agreement – Spring Carnival (M-1)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Our Lady Queen of Martyrs Church** to indemnify, protect, and hold harmless the City from any liability in connection with the **Spring Carnival** to be held **Thursday, March 7, 2002 from 6:00 p.m. to 10:00 p.m.; Friday, March 8, 2002 from 5:00 p.m. to 11:00 p.m.; Saturday, March 9, 2002 from 12:00 noon to 11:00 p.m.; and Sunday, March 10, 2002 from 12:00 noon to 10:00 p.m.**; and further authorizing the closing of S.W. 11 Court (Happy Hoyer Street) from S.W. 27 Avenue to S.W. 28 Avenue from 9:00 a.m. Monday, March 4, 2002 to 5:00 p.m. Monday, March 11, 2002.

Recommend: Motion to approve.

Exhibit: Memo No. 02-152 from City Manager.

Event Agreement – Las Olas Art Fair (M-2)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Las Olas Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **Las Olas Art Fair** to be held **Saturday and Sunday, March 2 and 3, 2002 from 10:00 a.m. to 5:00 p.m.** in the East Las Olas Boulevard shopping district; and further authorizing the closing of East Las Olas Boulevard from S.E. 6 Avenue to S.E. 11 Avenue from 4:30 a.m. Saturday, March 2, 2002 to 10:00 p.m. Sunday, March 3, 2002.

Recommend: Motion to approve.

Exhibit: Memo No. 02-132 from City Manager.

Event Agreement – Agape Fest (M-3)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Calvary Chapel Church, Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with the **Agape Fest** to be held **Friday, February 22, 2002 from 5:00 p.m. to 11:00 p.m.; and Saturday, February 23, 2002 from 2:00 p.m. to 11:00 p.m.** at the Fort Lauderdale Stadium grounds.

Recommend: Motion to approve.

Exhibit: Memo No. 02-133 from City Manager.

Event Agreement – Home and Garden Tour (M-4)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Sailboat Bend Civic Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **Home and Garden Tour** to be held **Sunday, February 24, 2002 from 11:00 a.m. to 4:00 p.m.** in the Sailboat Bend neighborhood, Lauderdale Park, and Esplanade Park; and further authorizing the closing of Waverly Road from S.W. 11 Avenue to S.W. 10 Avenue; S.W. 4 Street from S.W. 11 Avenue to S.W. 10 Avenue; and the eastbound curb lane of S.W. 2 Street from S.W. 4 Avenue to S.W. 5 Avenue from 11:00 a.m. to 4:00 p.m. on the event day.

Recommend: Motion to approve.

Exhibit: Memo No. 02-134 from City Manager.

Event Agreement – St. Paddy’s Day Celebration..... (M-5)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Las Olas Riverfront Associates** to indemnify, protect, and hold harmless the City from any liability in connection with the **St. Paddy’s Day Celebration** to be held **Sunday, March 17, 2002 from 11:00 a.m. to 11:00 p.m.**; and further authorizing the closing of S.W. 1 Avenue from S.W. 2 Street south to the alley between Las Olas Riverfront and One River Plaza from 7:00 a.m. Sunday, March 17, 2002 to 5:00 a.m. Monday, March 18, 2002.

Recommend: Motion to approve.

Exhibit: Memo No. 02-135 from City Manager.

Event Agreement – Christ Church United Methodist (“Celebrate Jesus” Event) (M-6)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Christ Church United Methodist** to indemnify, protect, and hold harmless the City from any liability in connection with “Celebrate Jesus” to be held **Saturday, February 9, 2002 from 9:00 a.m. to 4:00 p.m.** on the Church grounds at Christ Church Park; and further authorizing the closing of N.E. 27 Terrace from N.E. 49 Street to N.E. 23 Avenue, and the two parallel alleys that run through Christ Church Park, from N.E. 27 Terrace to the parking garage on the east side of the park from 6:00 a.m. to 6:00 p.m. on the event day.

Recommend: Motion to approve.

Exhibit: Memo No. 02-151 from City Manager.

**Transfer of General Fund Contingencies and
Creation of Three Permanent Positions and
Transfer of a Position – Department of Professional Standards,
Personnel Division and Purchasing Division (M-7)**

A motion authorizing the creation of three permanent positions and the transfer of a position as follows: two new positions in the new Department of Professional Standards (Professional Standards Coordinator and Administrative Aide); one new position in the Personnel Division (Training Specialist); and the transfer of a position (Equal Opportunity Assistant) from City Manager's Office to the Purchasing Division; and further authorizing the transfer of \$80,000 from General Fund Contingencies to the various department accounts listed in Memorandum No. 02-91.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-91 from City Manager.

**Rescind Authorization to Negotiate Development Agreement
with Milton Jones Development Corporation (MJDC) - Development of
City-Owned Commercial Property – Sistrunk Boulevard and N.W. 7 Avenue (M-8)**

A motion rescinding authorization given to the City Manager to negotiate a development agreement with MJDC for City-owned commercial property located on Sistrunk Boulevard and N.W. 7 Avenue, as approved on March 20, 2001; and further authorizing the proper City officials to proceed with the procedure outlined by the Department of Housing and Urban Development (HUD). (Also see Item II-E on the Conference Agenda)

Recommend: Motion to approve.

Exhibit: Memo No. 02-190 from City Manager.

**Nonprofit Acquisition and Improvement Loan (NAIL) –
Northwest Boys and Girls Club, Nan Knox Unit – 832 N.W. 2 Street (M-9)**

A motion authorizing the proper City officials to approve a nonprofit acquisition and improvement loan (NAIL) for the Northwest Boys and Girls Club, Nan Knox Unit, located at 832 N.W. 2 Street, in the revised amount of \$309,919.

Recommend: Motion to approve.

Exhibit: Memo No. 02-163 from City Manager.

Agreement – BankAtlantic - Direct Cash/Job Growth Incentive (M-10)

A motion authorizing the proper City officials to execute an agreement with BankAtlantic as part of the direct cash/job growth incentive.

Recommend: Motion to approve.

Exhibit: Memo No. 02-164 from City Manager.

**Transfer of General Fund Contingencies –
Partial Reimbursement to Marine Industries
Association of South Florida (MIASF) for Marine Industry Master Plan (M-11)**

A motion authorizing the transfer of \$5,000 from General Fund Contingencies to the Economic Development Division for a partial reimbursement to MIASF for the Marine Industry Master Plan. (Also see Item I-B on the Conference Agenda)

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-115 from City Manager.

Application for Water Taxi License – Royal Boat Company, Inc. (M-12)

A motion approving an application from Royal Boat Company, Inc. for a license to conduct a water taxi operation in the City, in accordance with Section 8-146.1.

Recommend: Motion to approve.

Exhibit: Memo No. 02-55 from City Manager.

**Loan of Fire Bunker Gear Equipment for
Potential Job Applicants Participating in
the Broward Fire Academy Program (M-13)**

A motion authorizing the City's loan of fire bunker gear equipment to potential job applicants participating in the Broward Fire Academy Program.

Recommend: Motion to approve.

Exhibit: Memo No. 02-157 from City Manager.

**Transfer of Law Enforcement Trust Funds (LETf) –
Broward County Commission on Substance Abuse
(BCCOSA) - Byrne Memorial Anti-Substance Abuse Grant Program (M-14)**

A motion authorizing the proper City officials to transfer \$8,000 from LETf to Fund 129 (Miscellaneous Grants) in support of the BCCOSA Byrne Memorial Anti-Substance Abuse Grant program.

Funds: Transfer \$8,000 from LETf to Fund 129 (Miscellaneous Grants, GBCCOSA02, Revenue)

Recommend: Motion to approve.

Exhibit: Memo No. 02-119 from City Manager.

**Grant Acceptance – U. S. Department of Treasury,
Bureau of Alcohol, Tobacco and Firearms –
Gang Resistance Education and Training (GREAT) (M-15)**

A motion authorizing the proper City officials to execute an agreement with the U. S. Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, to accept the GREAT grant in the amount of \$75,000, and further authorizing the proper City officials to execute all other documents necessary to accept such grant funds.

Recommend: Motion to approve.
Exhibit: Memo No. 02-53 from City Manager.

**Lease Agreement – Bank of America, N. A. –
Automatic Teller Machine (ATM) at City Park Mall (M-16)**

A motion authorizing the proper City officials to execute a one-year lease agreement with Bank of America, N. A. for the operation of an ATM at City Park Mall.

Recommend: Motion to approve.
Exhibit: Memo No. 02-104 from City Manager.

**American Water Works Association (AWWA)
Research Foundation Subscription (M-17)**

A motion authorizing a subscription with the AWWA Research Foundation in the amount of \$33,011.

Recommend: Motion to approve.
Exhibit: Memo No. 02-158 from City Manager.

**Contract Award – AKA Services, Inc. –
Project 10231 – Utility Improvements at Coconut Isle Drive (M-18)**

A motion authorizing the proper City officials to execute an agreement with AKA Services, Inc. in the amount of \$95,700 for utility improvements at Coconut Isle Drive.

Funds: See Bid Tab

Recommend: Motion to approve.
Exhibit: Memo No. 02-103 from City Manager.

**Installation of Speed Humps – S.W. 20 Street
(from S.W. 9 Avenue to S.W. 15 Avenue) – River Oaks Neighborhood (M-19)**

A motion approving the installation of speed humps on S.W. 20 Street (from S.W. 9 Avenue to S.W. 15 Avenue) in the River Oaks neighborhood.

Recommend: Motion to approve.
Exhibit: Memo No. 02-105 from City Manager.

**Amendment to Agreement –
USA Services Group Inc. (USASG) – Employee Health Benefits (M-20)**

A motion authorizing the proper City officials to execute an amendment to the agreement with USA Services Group Inc. (USASG) with respect to the service provider networks for the employee health benefits.

Recommend: Motion to approve.

Exhibit: Memo No. 02-202 from City Manager.

PURCHASING AGENDA

Bid 422-8621 – Streetlight Fixtures (Pur-1)

A one-year contract for the purchase of streetlight fixtures is being presented for approval by the Administrative Services, Central Stores Division.

Low Responsible Bidders: South Dade Electrical Supply
Miami, FL
Amount: \$ 50,000.00 (estimated)
Bids Solicited/Rec'd: 38/9 with 1 no bid
Exhibits: Memorandum No. 02-140 from City Manager

The Procurement and Materials Management Division recommends award to the low responsive and responsible bidder.

Florida Sheriffs – Two, 12-Passenger Vans (Pur-2)

An agreement to purchase two, 12-passenger vans is being presented for approval by the Administrative Services, Fleet Services Division.

Low Responsible Bidder: World Ford
Pembroke Pines, FL
Amount: \$ 43,486.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-117 from City Manager

The Procurement and Materials Management Division recommends award from the Florida Sheriffs Association contract with a transfer of \$43,486 from Other Supplies (PBS060101-3999) to Fleet Fund (ADM030501-6416).

Proprietary – Sludge Mixer Gearbox with Motor**(Pur-3)**

An agreement to purchase a sludge mixer gearbox with motor is being presented for approval by the Public Services Department.

Low Responsible Bidder: Hudson Pump & Equipment Assoc., Inc.
Parkland, FL
Amount: \$ 13,520.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-097 from City Manager

The Procurement and Materials Management Division has reviewed this item and supports the recommendation to approve the proprietary purchase.

Proprietary – Advertising for the 2001 Blues Festival**(Pur-4)**

An agreement to purchase advertising for the 2001 Blues Festival is being presented for approval by the Parks and Recreation Department.

Low Responsible Bidder: ArtServe, Inc.
Fort Lauderdale, FL
Amount: \$ 12,486.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-102 from City Manager

The Procurement and Materials Management Division reviewed this item and supports the recommendation to approve the proprietary purchase.

State – Recycled Plastic Trashcan Liners**(Pur-5)**

An agreement to purchase recycled plastic trashcan liners is being presented for approval by the Administrative Services, Central Stores Division.

Low Responsible Bidder: Calico Industries, Inc.
Annapolis Junction, MD
Amount: \$ 25,000.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-147 from City Manager

The Procurement and Materials Management Division recommends award from the Florida State Contract.

Bid 722-8585 – Mobile Recycling Carts

(Pur-6)

A one-year contract for mobile recycling carts is being presented for approval by the Public Services Department.

Low Responsible Bidders:	Toter, Inc. Statesville, NC
Amount:	\$ 34,118.00 (estimated)
Bids Solicited/Rec'd:	45/4 with 2 no bids
Exhibits:	Memorandum No. 02-024 from City Manager

The Procurement and Materials Management Division recommends award to the low responsive and responsible bidder.

It was announced that Consent Agenda **Item No. M-12** had been deleted by staff and would not be considered this evening.

Motion made by Commissioner Smith and seconded by Commissioner Moore that Consent Agenda Item Nos. M-2, M-8, M-9, M-10, M-17, M-19, and M-20 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda Items be approved as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Event Agreement – Las Olas Art Fair (M-2)

Commissioner Hutchinson noted that the September event on Las Olas Boulevard had gone well, but the holiday event had not done as well. She had also received a lot of calls about the January art show, so she was still not convinced that these things were a good idea.

Mr. Michael Kasten, President of the Council of Fort Lauderdale Civic Associations, said he was representing the Colee Hammock, Beverly Heights and Victoria Park neighborhoods. He said there had been major problems with the event in January, and he had prepared a list of the necessary items that had not been addressed at that time. Mr. Kasten proposed that the promoter of this event and the City be asked to agree to these items.

Ms. Mary Mathurin, President of the Las Olas Association, said the Las Olas Association would also like to see the City adopt its guidelines, and she advised that the Association would work with the City and the event planner. She had a list of items similar to that submitted by Mr. Kasten.

Mr. Howard Allen stated that everything on the list would be implemented. He noted that there had been events on Las Olas Boulevard for 40 years, and festivalgoers had parked anywhere they chose. Now, however, there was an education process. Shuttles were provided and neighborhoods were closed during event weekends. He understood there had been flaws, but they would be corrected.

Mr. Kasten said there were some items for City staff to address. Mr. Steve Person, Recreation Superintendent, advised that this was the first time he had seen the list.

Commissioner Hutchinson stated that there had been a meeting in this regard, and she thought it was a little silly that the same issues were still being discussed. She referred to trash and recycling and advised a commitment had been made to handle it before 8:00 a.m. on festival days. Mr. Greg Kisela, Assistant City Manager, agreed that was correct. He took it that had not occurred. Commissioner Hutchinson agreed it had not, but the City was now committed to it.

Commissioner Hutchinson asked if there would be any other street closures in the area. Mr. Kisela replied that he would have to check on other closures at the time of the event, and that was a routine process. Commissioner Hutchinson asked if the checklist could be examined right before the event to ensure everything had been addressed. Mr. Kisela agreed staff would oversee the event.

Mr. Kasten felt the checklist should be attached to the application for the event closure. Commissioner Hutchinson agreed. In fact, she felt it should be a part of any application pertaining to Las Olas Boulevard events. The City Manager agreed. He thought it should be implemented immediately, and not only for events on Las Olas Boulevard.

Mr. Buddy Lochrie, President of the Colee Hammock Association, thought the checklist should be a part of the application process, although he did not know of any other street that was closed as frequently for events as Las Olas Boulevard. He also thought someone in the City needed a list of the events taking place every day because there could be more than one event affecting an area at the same time, and chaos was the result.

Commissioner Hutchinson requested a list of any other street closures in the area before this event took place. Commissioner Smith thought the City could also consider a performance bond.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve Consent Agenda Item No. M-2 be approved as discussed with application checklist included. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Rescind Authorization to Negotiate Development Agreement with
Milton Jones Development Corporation (MJDC) – Development of
City-Owned Commercial Property – Sistrunk Boulevard and
Northwest 7th Avenue (M-8)**

Commissioner Katz wanted to be sure the DRC and the City Commission would have an opportunity to discuss Lincoln Park. The City Manager stated that there would be another opportunity for the Commission to address the issues raised by HUD and further consideration of the use of the site as the One-Stop Shop.

Motion made by Commissioner Smith and seconded by Commissioner Moore to approve Consent Agenda Item No. M-8 as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Nonprofit Acquisition and Improvement Loan (NAIL) –
Northwest Boys and Girls Club, Nan Knox Unit –
832 Northwest 2nd Street (M-9)**

Commissioner Katz wondered if the cost could be reduced by having the kids plant the landscape materials and learned about horticulture at the same time. Ms. Margarette Hays, Community Development Division, advised that there was a horticultural program involving the students, but a warranty came with the installation of the materials, and there were a significant amount of plantings involved. Commissioner Katz believed Home Depot provided warranties with its plant materials.

Commissioner Moore suggested that the item be approved as recommended and, if there was some way for the kids to help, some money would be saved. It was agreed. Commissioner Smith stated that the figures had not been correct the last time that it had been presented, and the pricing had been restructured. He did not know how old the children were, but there was substantial work involved in this project, and it was probably best left to the professionals. Commissioner Moore saw no harm in letting the kids participate if there was a way.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-9 be approved as recommended and as discussed. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Mayor Naugle added that this was a wonderful Club, and he hoped Nan Knox would have a speedy recovery.

Agreement – BankAtlantic – Direct Cash/Job Growth Incentive (M-10)

Commissioner Katz was concerned that the City Commission had not yet decided how to handle incentives, yet \$300,000 was being handed out now. She noted that the Commission had not discussed whether or not it wanted to give cash incentives for a move from Sunrise Boulevard to Cypress Creek Road, or whether these should be new jobs as opposed to transferred jobs. Commissioner Katz believed a separate question was whether or not the City wanted to pay money to keep the company in Fort Lauderdale. She also questioned the way the incentive program had been put together, with the City giving \$100,000 up-front in October and, if they left Fort Lauderdale, the burden would be on the City to get the money back.

Mr. Pete Witschen, Assistant City Manager, wished to make some clarifications. He agreed there should be a discussion about economic incentives, but there were some timing issues in this case. He noted that BankAtlantic, in its quest to create a corporate headquarters on 62nd Street, would have to go through the zoning process to create an entranceway, and it was seeking the Commission's support in that process. Further, this would qualify for the expedited permit process. However, this incentive was being presented as a return on investment. He referred to the spreadsheet that had been provided, which showed a positive cash flow even with the \$100,000 up front. Mr. Witschen said that incentives would be provided only for new jobs brought to the City, and the new jobs would have to be proven.

Commissioner Smith said he had some difficulties with this mostly because he did not want to see BankAtlantic leave the Sunrise Boulevard corridor as it had been a wonderful corporate citizen. He wished to entertain some greater incentives to get the company to stay on Sunrise Boulevard. Nevertheless, he intended to support the item because it would keep BankAtlantic in Fort Lauderdale.

Mr. Witschen advised that Fort Lauderdale had been in competition with two neighboring cities that had offered cash incentives. But for that, staff would not be presenting this today. Mayor Naugle asked if this application met the criteria established by the City Commission previously. Ms. Kathryn Glenewinkel, Economic Development, replied that it met the criteria under the County's Job Growth ordinance, but the City did not have an ordinance in that respect. Mayor Naugle believed a policy had been established. Mr. Witschen agreed the criteria in the ordinance was similar.

Mayor Naugle thought this could be expressed as a \$300,000 expenditure, but the revenue created by the new jobs would be approximately \$675,000. Mr. Witschen agreed there should be a return on the investment of hard cash into the City's treasury. Mayor Naugle noted that there had been some performance-based incentives in the past, and the monies were never paid out. Mr. Witschen agreed that was true in this case as well.

Commissioner Katz asked if 100 jobs would be created in September in light of the City's \$100,000 contribution in October. Ms. Glenewinkel replied that evidence would have to be presented of the new jobs, and October would be the earliest date that money could be collected. Commissioner Katz did not feel these were new jobs, and she thought this was a subject for discussion at the economic development workshop.

Mayor Naugle said he had been under the impression that this would be a consolidation of offices located outside the City within Fort Lauderdale, yet Commissioner Katz did not seem to think there were any new jobs being created. He requested clarification. Mr. Witschen explained that the Sunrise Boulevard location did not work for BankAtlantic because the size did not permit the consolidation. He stated that this incentive would bring in new jobs from outside the corporate limits of Fort Lauderdale. Further, the building would be beneficially reused. He added that incentives would be provided only for new jobs with base salaries of at least \$35,000 per year.

Commissioner Katz did not consider jobs transferred from Plantation to Fort Lauderdale to be "new" jobs since new people would not be moving in. *Mr. Frank Schnidman*, of BankAtlantic, said that the Broward County ordinance actually paid for jobs from Dade and Palm Beach Counties. This process was the result of a negotiation, and other communities had buildings they wanted BankAtlantic to examine. He advised that one of the municipalities had offered an up-front payment significantly higher than Fort Lauderdale's offer in the first year, but the payment was on the date of building occupancy. Mr. Schnidman said that payback for non-performance was not uncommon in incentives.

Mr. Schnidman agreed with Commissioner Katz that there should be a clear policy, guidelines, and definitions of new jobs, but this was a negotiation that resulted in no money being paid by the taxpayers of the City. Rather, it was a rebate of the percentage of new revenues that would be generated under a formula of straight, direct, identifiable new revenues. Mr. Schnidman said that this was a business decision, and City staff had made sure the Bank knew it was wanted and would work with them to create a headquarters for Florida's largest based bank. He stated that BankAtlantic had been in Fort Lauderdale for 50 years and wanted to stay, and he appreciated an offer that had made the Bank take a second look at remaining in the City.

Commissioner Moore inquired about plans for the existing site on Sunrise Boulevard. *Mr. Jack Abdo*, of BankAtlantic, stated that an analysis would be performed and the property redeveloped. Commissioner Moore thought chances were the site would be redeveloped in residential use. Mr. Abdo noted that there were residences to the rear and commercial uses at the front, and the City Commission would have to approve whatever use was proposed. However, he believed everyone would be pleased.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-10 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: Commissioner Katz.

**American Water Works Association (AWWA)
Research Foundation Subscription (M-17)**

Commissioner Hutchinson understood the Foundation had helped fund 68 new projects during the past year worth \$13 million. She wondered how much of that benefit had come to the City of Fort Lauderdale. Mr. Frank Coulter, Public Services Department, said the emphasis had been on security since September. He advised that two staff members would be attending a national workshop of all the large utilities in the near future. He stated that this was instrumental in helping with security at the City's water facilities, and about \$20,000 had been saved last year on relining projects due to information derived from this source. Mr. Coulter thought the City consistently received the value of the subscription in hard savings, and at least that much more in research and information that would not otherwise be available.

Commissioner Smith asked if staff would share one of the early budgets with the Commission. He thought it would be interesting to see how much money the AWWA collected and how it was spent. Mr. Coulter agreed to provide the information.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith that Consent Agenda Item No. M-17 be approved as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Installation of Speed Humps – Southwest 20th Street (from Southwest 9th Avenue to 15th Avenue) – River Oaks Neighborhood (M-19)

Commissioner Hutchinson favored this item, but she was concerned when she heard from the neighborhood association president that calls were not being returned. She had been trying to find out about the process and had been unable to obtain information. Commissioner Hutchinson commended the Marina for paying for half of this, but when the Lauderdale Marina had received site plan approval from the Planning & Zoning Board on November 17, 1999, there had been traffic improvements as conditions. She did not believe those improvements had been made, although the conditions had been specific. Commissioner Hutchinson wanted to see 20th Street, west of 15th Avenue, addressed appropriately.

Mr. Hector Castro, City Engineer, said he would look into, but the Lauderdale Marina was committed to do more than just pay for half the cost of these speed humps. He stated that negotiations would continue, and a plan would be worked out that would satisfy everyone. Commissioner Smith wanted a report about why the improvements had not been done in accordance with the site plan approval. Mr. Castro agreed he would provide that information.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-19 be approved as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Amendment to agreement – USA Services Group, Inc. (USASG) – Employee Health Benefits (M-20)

Mr. Kevin Erwin said he was a concerned employee. He stated that the Risk Manager had warned the Commission of a \$650,000 shortfall in May, 2001 due to inaccurate forecasting resulting from unpaid claims under the previous insurer. In July, 2001, another memorandum went to the City Commission indicating that the Health Insurance Fund required another \$900,000 for the current plant year. Mr. Erwin said that management employees had not received that information, and he did not know of other employees who had received notification in 2001 as indicated in the July memorandum.

Mr. Erwin understood that Commissioner Moore had stated the Health Plan had a \$1.5 million deficit in July. The City Manager indicated there were two reasons for that – the inaccurate claim information provided by the previous carrier and employees availing themselves of more diverse benefits. Mr. Erwin was concerned that mistakes were still being made and that the Plan was now \$4.85 million in debt. Further, promises made by Risk Management staff in July had not been fulfilled. He asked that the Commission defer this item.

Mr. Joe Puleo said that he represented 1,100 blue-collar City employees. He was concerned about the almost \$5 million deficit, and he had been unable to determine how this money was spent. Mr. Puleo stated that the employees were currently in the Beechstreet provider plan, which was a losing situation. He noted that the City Manager had been informed 9 months ago that a 30% rate adjustment would be necessary, and the collective bargaining agreement called for a choice between paying more or taking a reduction in benefits when rate increases exceeded 10%, but the option had not been presented until today.

Mr. Puleo felt that the longer the City stayed in Beechstreet, the more it would cost the employees, but nothing was being done other than holding meetings. He thought it would be easy to place the blame on the Risk Manager, but Mr. Puleo understood he had advised the City Manager of this problem in May. However, nothing had been done, and now management wanted the employees to make up for their mistake. He hoped the Commission would not make the employees pay for the mistake of the City Manager and his assistants.

Mr. Sam Warren, President of the FOPA, said the FOPA employees had been notified of the proposed changes two weeks ago. However, the second proposal had only been submitted a half an hour ago, and he thought the employees would rally now. Mr. Warren did not think it was reasonable to expect an employee making \$8 or \$10 an hour to take this money from their pockets. He felt the entire health care system should be completely audited.

Mr. Warren advised that he had been given a list of all the checks that had been written for the past 1-1/2 years. The document was 275 pages long, and he had received it at 4:30 this afternoon. He noted that it did not indicate which category employees had been served, and he felt there should be a breakdown and time to examine it. Mr. Warren encouraged the Commission to find the necessary money from within the budget rather than placing the burden on the employees. He suggested that speed humps, pavers or new trees be eliminated from the budget.

Mr. Fred Ross said he was the first Vice-President of Local 31A of the FOPA, and he worked in the public sector because of the health benefits. He pointed out that the employees were the ones who served the taxpayers, and they were the ones who stood between the public and the City Commission. Mr. Ross stated that the proposal presented a few minutes ago was an insult and an outrage. He advised that the employees were willing to increase their health insurance deduction from \$0 to \$60 per month, but this proposal represented entire paychecks for some of those who served the public. Mr. Ross hoped the City Commission would not adopt this proposal because it was an insult to the employees, particularly since none but managers could live with a \$200 deduction per paycheck.

Mr. Terry Daniels, second Vice-President of the FOPA, thought it was necessary to get down to some serious business because this was costing the employees and the taxpayers money. He felt it was time to stop throwing worthless documents at the employees.

Mr. Skip Margerum said he was a 17-year employee of the City, and the figures he had just been given indicated he would have to pay \$840 per month for his family health insurance. He did not know who could afford it.

Mr. Bud Bentley, Assistant City Manager, said that in dealing with the Union over the past month or so, the focus had been on the need to change medical benefits and implement a payroll deduction, which was referred to as the blended plan. Last week, it had been pointed out that the contract required two options – one of changes on the benefit side and one of changes on the payroll deduction side. Mr. Bentley stated that the figures had been worked out and the resulting information had been distributed today as committed. However, it was not a proposal. Mr. Bentley agreed it was not reasonable and had suggested discussions about the blended plan, which he thought had some merit.

Mr. Bentley stated that the agenda item before the Commission now was an amendment to an agreement with the third party administrator to allow for changes in network providers to add the Broward Hospital District in order to take advantage of additional discounts. In addition, it accommodated a switch from Beechstreet to PPO Next, which provided additional discounts. Mr. Bentley believed these two actions would save everyone money, but discussions would continue as to what route to take next.

Mayor Naugle clarified that the item before the Commission tonight did not relate to approval of benefits or costs. He said it was just one way to reduce costs, but no vote was being taken tonight on how the shortfall would be handled. Mr. Bentley agreed the vote tonight related to the PPO agreement to allow for new providers. Commissioner Hutchinson asked when all the rest of the issues would be presented because she had some major concerns.

Mr. Scott Denham, Risk Manager, stated that the responsibility for the administration of this plan was his and not the City Manager's. He believed the City had the resources and the ability to move through this massive problem and resolve it together. Mr. Denham reported that the overall health plan issues calling for approval would be presented to the City Commission on February 26, 2002. Another item involved a contract to participate in an insurance network on a nationwide basis. Commissioner Hutchinson wondered why it could not all be addressed at one time. Mr. Denham said there had been extraordinary effort invested in this matter over the past several months, and there were some things that had to be moved on immediately.

Mr. Denham explained that this item would allow the City to phase in the networks before choosing benefits, and discounts could be achieved before settling on a benefit design. He stated that the idea was to first determine how costs could be cut before deciding on a benefit design in order to lower the net cost, and lower the cost share of the participants in turn.

Commissioner Katz thought this was a huge mistake and a great problem, but she felt the City should get out of Beechstreet now, without delay. She felt the City should cut its losses and move on with the North Broward Hospital District and work from there because the City's taxpayers were not going to come up with \$5 million, although she sympathized with the employees as well.

Commissioner Smith agreed with Commissioner Katz. He viewed this as the first step in correcting the problem, and he agreed it had been allowed to get worse. Commissioner Smith felt the Commission bore a large part of that responsibility, but he thought the change in direction recently was to the benefit of the Union groups. Rather than forcing a blended plan the Union did not necessarily desire, the information had been intended to provide a look at a straight benefit reduction or a straight increase in payroll deductions. Commissioner Smith thought there might be some creative solutions, but it was necessary to move on to a better provider now.

Commissioner Moore recalled that a decision had been made to risk a self-funded plan, and it had been a risk because it was the same as operating an insurance company. He understood everyone's frustrations but, when you were running a business, you had to control costs. Commissioner Moore pointed out that some adjustment would have to be made, and this was a first step. He believed that costs would have to be controlled or individuals would have to pay more, but this action was needed now. Commissioner Moore did not believe anyone could afford the current benefit structure, and he was sure some people would be dissatisfied with the North Broward Hospital District as provider.

The City Manager said that staff had not waited 18 months to bring this to the Commission's attention even though bad news was the last thing he wanted to present to the Commission. He noted that an adjustment had been approved in July as a result of the miscalculations brought to the Commission's attention in May. Unfortunately, the problem had grown for various reasons since that time. The City Manager said the intent had always been to provide greater benefits at lesser cost, but medical trends, utilization, etc., had not permitted that to happen. Now, staff was trying to determine how to resolve all the issues with the minimum amount of negative impact on employees possible.

The City Manager was sure everyone knew the City was not alone, and costs for health care continued to rise on all fronts. He stated that even if the City had gone with an insurer rather than opting to self-insure, there would have been at least a 25% to 30% premium increase before now. The City Manager was committed to work with the Union leadership in order to find a comprehensive approach to the entire matter.

Commissioner Katz wanted to discuss whether or not the City should stay in the self-insured business. Commissioner Hutchinson wanted to see an improvement in terms of what was presented at the next meeting and some creative financing other than taking it from the general employees. Mayor Naugle added that if there was a contribution necessary from the Union employees, management would be expected to make a similar contribution. The City Manager said there had been no suggestion otherwise.

Motion made by Commissioner Smith and seconded by Commissioner Moore that Consent Agenda Item No. M-20 be approved as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

MOTIONS

Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

Lien Settlements for Special Master and Code Enforcement Board Cases (M-21)

A motion was presented authorizing proposed settlements for the following Special Master and Code Enforcement Board cases:

1. CE97020004 – Maus & Hoffman, Inc., 221 South Federal Highway (\$6,800)
2. CE00050071 – Sunny Isles Motel Corporation (58%); and 95-45 Roosevelt Avenue Corporation (42%), 4000 North Federal Highway (\$2,000)
3. 9511605 – Barry J. Binkley & Jean L. Binkley, 1891 S.W. 37 Terrace (\$3,000) –
DELETED FROM THE AGENDA
4. CE00060360 – George Sahagian, 204 S.W. 21 Terrace (\$5,250)
5. 9413811 – Leon Delbrouck & Stanislaw Delbrouck, 3321 N.E. 14 Court (\$7,700)
6. CE01071263 – William F. Weber Jr., & Alice S. Weber, 1501 S.W. 32 Street (\$1,000)
7. CE01052324 – Discount Auto Parts, 1515 West Sunrise Boulevard (\$1,500)
8. CE00070008 – James D. Savko, 809 N.E. 17 Avenue (\$5,850)
9. CE98020196 – W.C.J. Corporation, 1527 N.W. 11 Court (\$2,700)

10. CE99050935 – William D McNeil & Gladys McNeil, 133 Isle of Venice (\$1,118)
11. CE96051291 – Robert L. Solomon, 800 S.W. 29 Street (\$3,300)
12. CE01021136 & CE99080280 –Valerie K. Gregory Daniels, 639 N.W. 11 Avenue (\$700)
13. CE01041265 – Talbert A. Greaves, 2580 N.W. 19 Street (\$3,700)
14. CE98071204 – CMB One Ltd., 519 N.W. 8 Avenue (\$4,000)
15. CE99100924 – Bayou Metro, Inc., 11 S.W. 15 Street (\$1,000)
16. CE00031109 – International Mission Evangelical Baptist of the New Jerusalem, Inc., 1006 N.W. 6 Avenue (\$787)
17. CE99110847 – Graline Corporation, 1310 N.W. 6 Street (\$2,720)
18. CE00020029 – Royal Assembly Church of The Living God, Inc., 1029 W. Broward Blvd. (\$400)

Commissioner Katz wished to consider Settlement 2 separately, and it was noted that Settlement 3 had been deleted from the list.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the lien settlements as recommended with the exception of Settlements 2 and 3 (deleted). Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

2. CE00050071 and 95-45 – 4000 North Federal Highway (\$2,000)

Commissioner Katz said this property was the former Roxy's Club, and the owner had agreed in writing to monitor the operation much more closely. Security and other features would be provided, but she wanted to defer this item for a period of three months to ensure those promises were fulfilled as a gesture of good faith.

Motion made by Commissioner Katz and seconded by Commissioner Moore to defer Settlement 2 for 90 days. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Settlement of Workers Compensation File No. WC 98-9730 (David Krips) (M-22)

A motion was presented authorizing the settlement of Workers Compensation File No. WC 98-9730 (David Krips) in the amount of \$175,000.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the settlement of WC 98-9730 as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

**Settlement of General Liability File
Nos. GL 95-831 (Allied Decals) and GL 95-1008 (S & L Realty)..... (M-23)**

A motion was presented authorizing the settlement of General Liability File Nos. GL 95-831 (Allied Decals) and GL 95-1008 (S & L Realty) each in the amount of \$37,500.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the settlement of GL 95-831 and GL 98-1008 as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, and Hutchinson. NAYS: Mayor Naugle.

Cable Services Franchise Cancellation – RCN Telecom Services, Inc. (PH-1)

A public hearing was scheduled to consider an ordinance pursuant to Section 8.15 of the City Charter, canceling the cable system franchise with RCN Telecom Services, Inc. for inability to construct a cable system to compete with the existing cable operator. Notice of the public hearing was published on January 24 and 31, 2002.

Mayor Naugle called for those who wished to be heard. There were none.

Motion made by Commissioner Smith and seconded by Commissioner Moore to close public hearing. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-02-3

AN ORDINANCE PURSUANT TO SECTION 8.15 OF THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, CANCELING THE CABLE SYSTEM FRANCHISE WITH RCN TELECOM SERVICES, INC. FOR INABILITY TO CONSTRUCT A CABLE SYSTEM TO COMPETE WITH THE EXISTING CABLE OPERATOR.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

**Amend Section 2-26 –
Change Time of City Commission Conference Meetings (O-1)**

An ordinance was presented amending Section 2-26 of the Code of Ordinances entitled “Meetings,” in order to change the time for the Conference meeting of the City Commission. Ordinance No. C-02-2 was published on January 13, 2002, and passed on first reading at the Regular Meeting of January 23, 2002 by a vote of 5-0.

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-02-2

AN ORDINANCE AMENDING SECTION 2-26, MEETINGS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, IN ORDER TO CHANGE THE TIME FOR THE MEETINGS OF THE CITY COMMISSION.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, and Hutchinson. NAYS: Mayor Naugle.

**Executive Airport –
Agreement with Citicorp - Lease for Airport Administrative Offices (R-1)**

A resolution was presented authorizing the proper City officials to execute an agreement with Citicorp extending the term of the Airport administrative office lease for a period of one month, ending March 31, 2002, under the same terms and conditions as the current lease agreement.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 02-14

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE AIRPORT MANAGER TO EXECUTE AN AGREEMENT WITH CITICORP NORTH AMERICA, INC., PROVIDING FOR A ONE-MONTH EXTENSION TO THE EXECUTIVE AIRPORT OFFICE LEASE AT 1401 W. COMMERCIAL BOULEVARD, FORT LAUDERDALE, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

Building Board-Up and Securing Charges (R-2)

A resolution was presented authorizing the proper City officials to impose liens against such properties for costs associated with boarding and securing the buildings located thereon.

Commissioner Smith noted that some of the properties owed over \$1,500, and he wondered if the City should just move on to foreclosure. Ms. Lori Milano, Community Inspections Bureau, stated that this was the first time both of these properties had been boarded, and they now met the \$1,500 threshold calling for recordation of liens. She advised that the paperwork would be sent to the City Attorney's Office for foreclosure.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 02-15

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CHARGING AND ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF SECURING AND BOARDING UP BUILDINGS LOCATED THEREON WHICH WERE FOUND UNSAFE UNDER SECTION 202 OF THE SOUTH FLORIDA BUILDING CODE AND IMPOSING LIENS AGAINST SUCH PROPERTIES; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD CLAIMS OF LIEN AGAINST THE PROPERTIES IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

Lot Clearing and Cleaning Charges (R-3)

A resolution was presented authorizing the imposition of liens against certain properties for costs associated with clearing and removal of debris located thereon.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 02-16

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF CLEARING LOTS FOUND TO HAVE AN UNLAWFUL OR EXCESSIVE ACCUMULATION OF RUBBISH, DEBRIS OR TRASH UNDER CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA AND IMPOSING SPECIAL ASSESSMENT LIENS AGAINST SUCH PROPERTIES FOR THE COST AND EXPENSE INCURRED IN CLEANING AND CLEARING SAME; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD A NOTICE OF SPECIAL ASSESSMENT LIEN IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

Parks and Recreation Recovery Action Plan – National Parks Service - Urban Park and Recreation Recovery Program for 2002 (R-4)

A resolution was presented authorizing the adoption of the Parks and Recreation Recovery Action Plan to be submitted to the National Parks Service, in order for the City to apply for rehabilitation grants under the Urban Park and Recreation Recovery Program for 2002; and further authorizing the proper City officials to execute all documents necessary to accept such grant funds.

Commissioner Hutchinson asked if the Commission's input would be sought as to the projects. Mr. Ernest Burkeen, Director of Parks & Recreation, stated that once a plan had been developed, it would be presented to the City Commission before any grants were sought.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 02-17

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADOPTING THE RECOVERY ACTION PLAN FOR PURPOSES OF THE URBAN PARK AND RECREATION RECOVERY PROGRAM.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

Group City Emergency Medical Services (EMS) Coalition of the Broward County Task Force (R-5)

A resolution was presented supporting the establishment of a Group City EMS Coalition of the Broward County Task Force, based upon population and including four (4) priority areas identified in the Group City EMS Coalition Report of December 2001.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 02-18

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING THE GROUP CITY EMERGENCY MEDICAL SERVICE COALITION OF BROWARD COUNTY, FLORIDA, INC'S EFFORTS TO PROMOTE THE ESTABLISHMENT OF A BROWARD COUNTY TASK FORCE DESIGNED TO STUDY THE DEVELOPMENT OF AN INTERLOCAL AGREEMENT FOR FIRE RESCUE SERVICES; PROVIDING THAT THE AGREEMENT BE FAIR AND REPRESENTATIVE OF BROWARD COUNTY, AND INCLUDE THE FOUR (4) PRIORITY AREAS DEFINED BY THE GROUP CITIES COALITION IN THEIR REPORT OF DECEMBER 2001.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

**Request for Letters of Interest (RLI No. 071701-RB) –
Himmarshee Place at Riverwalk (Broward Cultural Center/Art Park Grant) (R-6)**

A resolution was presented supporting the Broward Center for the Performing Arts' Letter of Interest for Broward Cultural Center/Art Park grant request for Himmarshee Place at Riverwalk.

Mayor Naugle wondered if the grant application could be worded in such a way as to not be site specific. Mr. Greg Kisela, Assistant City Manager, thought the process was at a point at which it was necessary to be site specific. Mayor Naugle felt the resolution could be worded to allow greater flexibility if a better site were identified. Commissioner Moore did not understand.

Mayor Naugle explained that an RFP for the post office site was under discussion, and he wanted to do this in a way that did not commit the City to necessarily accept this grant and preclude some other entity from using the site. He preferred to word the resolution in such a way that did not commit the City to this site.

Mr. Kisela stated that an application had been made for the post office site with part of the plaza. If the grant was approved, the City Commission did not have to accept it, but it was necessary to be site specific at this time. Mayor Naugle felt the resolution could indicate a "site on or near the Performing Arts Center," without tying it specifically to the post office site. Commissioner Katz was under the impression that it was tied to that site, and the Commission had agreed at a Conference meeting that it could be anyone who developed the site as long as a small section was carved out for the grant area.

Commissioner Moore understood an application had already been submitted naming the site. Mayor Naugle noted that this resolution was to support the grant request, and it could be done by defining Riverwalk in the vicinity of the Performing Arts Center without making reference to the post office site. Commissioner Smith did not think it would hurt. Mayor Naugle noted that there was a site at the Symphony House area, for example, and perhaps the grant could be applied to that location or the corner of 2nd Street and 7th Avenue.

Mr. Mark Neurenhauser, President of the Performing Arts Center Authority (PACA), believed the County was requesting a resolution of support that was site specific. He explained that the grant proposal submitted to the County specified the site, as did all the competing applications. Commissioner Moore thought it could be all-inclusive instead. Mayor Naugle agreed the resolution could simply indicate the vicinity of Riverwalk. Commissioner Hutchinson did not feel the resolution was site specific. The City Attorney advised that the resolution did not support a particular application, but he had reworded the heading during the discussion to accommodate the suggestion.

Mayor Naugle noted that this resolution did not guarantee the City would select the Performing Arts Center proposal and still planned to seek proposals.

Commissioner Smith introduced a written resolution, as amended, entitled.

RESOLUTION NO. 02-19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, IN SUPPORT OF AN ARTS PARK GRANT TO
DEVELOP A RIVERWALK CULTURAL CENTER.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

**Emergency Task Order –
Recreational Design and Construction, Inc. (RDC) –
Project 10439 – Refuse Truck Maintenance Facility Roof Repair (R-7)**

A resolution was presented authorizing the proper City officials to execute an emergency task order with RDC in the amount of \$24,985 to design and construct the refuse truck maintenance facility roof repair project, in accordance with Section 2-179(2) of the Code of Ordinances.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 02-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 2-179(2) OF THE CODE OF ORDINANCES, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A TASK ORDER WITH RECREATIONAL DESIGN AND CONSTRUCTION, INC., PROVIDING FOR AN EMERGENCY REPAIR TO THE
REFUSE TRUCK MAINTENANCE FACILITY ROOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

**Reschedule February 19, 2002
City Commission Conference and Regular Meetings to February 26, 2002 (R-8)**

A resolution was presented authorizing the Tuesday, February 19, 2002 City Commission Conference and Regular meetings be rescheduled to Tuesday, February 26, 2002.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 02-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE FEBRUARY 19, 2002, REGULAR AND CONFERENCE MEETINGS OF THE CITY COMMISSION TO FEBRUARY 26, 2002.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

Advisory Board Appointments (OB)

The City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Beach Redevelopment Advisory Board

Jay Adams
Joanne Johnsen
Steve Tilbrook
John Amodeo
Shirley Smith
Michael J. Grimme
Carol Hill
Pamela Adams
Linda Gill
Eileen G. Helfer

Cemeteries Board of Trustees

Sharon Navarro
Sandy Casteel
Robert Powers
Franci Bindler
Joseph Goldberg
Henry Scurry
Richard Kurtz
Kent Bogard
Susan Telli

Community Appearance Board

Robert M. Young

Nuisance Abatement Board

Helen Surovek
Caldwell Cooper
Rita Jackson
Harry MacGrotty
Douglas Reynolds

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 02-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT
LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH
IN THE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson and Mayor Naugle. NAYS: none.

Subordination of McKinley EZ Loan (OB)

Mayor Naugle wished to make a motion to reconsider the action taken at the Commission's last meeting with regard to the subordination of the McKinley EZ Loan and passed the gavel to Vice-Mayor Katz. He explained that a subordination of the loan had been approved, and he had been on the prevailing side, having voted in favor of the motion. He reported that he had done so without the benefit of information staff had at the time indicating HUD had communicated with the City about a conflict of interest. Mayor Naugle said he had specifically asked the City Attorney in 2000 if there was a conflict, and he had been assured there was not. However, additional inquiry revealed that HUD had verbally confirmed a conflict before the Commission's vote. Mayor Naugle was very disturbed that the Commission had not had the benefit of this information when it had voted.

At 8:40 P.M., Commissioner Moore left the meeting.

Commissioner Smith understood from Mayor Naugle that someone from staff knew that even if Commissioner Moore recused himself, there was still a conflict. If that was true, he wanted to hear more about it. The City Manager said he had found out about this when staff had discussed the Milton Jones conflict with HUD. While there, a member of HUD staff indicated that he had advised of member of the City Manager's staff that the McKinley subordination item should be pulled due to concerns about a possible conflict. Unfortunately, that staff member had not communicated the information to the City Manager or the Assistant City Manager who had made the presentation to the Commission.

Commissioner Smith wanted to know who had done that and what disciplinary action would be taken because withholding information from the City Commission was a very serious offense. The City Manager respected the feelings of the Commission but asked that he be permitted to convey that information privately rather than during a public meeting.

Motion made by Mayor Naugle and seconded by Commissioner Smith to reconsider this item and schedule it for another vote at 6:00 P.M. on February 26, 2002 after hearing from HUD. Roll call showed: Commissioners Katz, Smith, Hutchinson, and Mayor Naugle. NAYS: none.

At 8:42 P.M., Mayor Naugle adjourned the meeting.

Jim Naugle
Mayor

ATTEST:

Lucy Masliah
City Clerk